

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

J. P. Boulee
Jean-Paul Boulee
John Paul Boulee

2. **Position:** State the position for which you have been nominated.

United States District Court Judge for the Northern District of Georgia

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

DeKalb County Superior Court
556 North McDonough Street, Suite 7230
Decatur, Georgia 30030

4. **Birthplace:** State year and place of birth.

1971; Kankakee, Illinois

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Fall 2017, National Judicial College (no degree, successfully completed General Jurisdiction course)

1993 – 1996, University of Georgia School of Law; J.D. (*cum laude*), 1996

1989 – 1993, Washington & Lee University; B.A. (*magna cum laude*), 1993

Summer 1991, College of Charleston (no degree)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not

you received payment for your services. Include the name and address of the employer and job title or description.

2015 – present
DeKalb County Superior Court
556 North McDonough Street, Suite 7230
Decatur, Georgia 30030
Superior Court Judge

2001 – 2015
Jones Day
1420 Peachtree Street N.E., Suite 800
Atlanta, Georgia 30309
Partner (2007 – 2015)
Associate (2001 – 2006)

1997 – 2001
U.S. Army
Office of the Staff Judge Advocate
101st Airborne Division (Air Assault)
2675 Tennessee Avenue
Fort Campbell, Kentucky 42223
Captain, Trial Defense Counsel (1999 – 2001)
Captain, Trial Counsel (1998 – 1999)
1st Lieutenant, Legal Assistance Attorney (1997 – 1998)

1996 – 1997
U.S. District Court for the Northern District of Georgia
The Honorable Orinda D. Evans
1908 Richard B. Russell Federal Building
United States Courthouse
75 Ted Turner Boulevard S.W.
Atlanta, Georgia 30303
Law Clerk

Summer 1995
Hull Barrett
SunTrust Bank Building
801 Broad Street, 7th Floor
Augusta, Georgia 30161
Summer Associate

Summer 1995
Jones Day
1420 Peachtree Street N.E., Suite 800
Atlanta, Georgia 30309

Summer Associate

1995 – 1996

Athens-Clarke County Solicitor's Office

325 East Washington Street

Athens, Georgia 30601

Assistant Student-Solicitor

Summer 1994

Hull Barrett

SunTrust Bank Building

801 Broad Street, 7th Floor

Augusta, Georgia 30161

Summer Associate

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

1997 – 2001

U.S. Army

Active Duty

Judge Advocate General's Corps

101st Airborne Division (Air Assault)

Captain (1998 – 2001)

1st Lieutenant (1997)

Honorable discharge

1993 – 1997

U.S. Army

Individual Ready Reserve

Field Artillery (control branch)

2nd Lieutenant

1989 – 1993

U.S. Army

Reserve Officer's Training Corps

Washington & Lee University

Cadet Company Commander (1992 – 1993)

Various ranks (1989 – 1992)

I registered for the selective service in January of 1989.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Army Achievement Medal

Distinguished Military Graduate

Elizabeth B. Garrett Scholarship in Public Policy

George C. Marshall Award

Georgia General Litigation Department of the Year, Daily Report

Georgia Journal of International and Comparative Law, Executive Editor

Mock Trial Team

Pi Sigma Alpha Political Science Honor Society

Super Lawyer, White-Collar Criminal Defense and Commercial Litigation

Talmadge Law Scholarship

Degree from the University of Georgia School of Law conferred *cum laude*

U.S. Army R.O.T.C. Four-Year Scholarship

Veterans for Christ Legacy Award

Veteran Trailblazer Award

Degree from Washington & Lee University conferred *magna cum laude*

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2016 – present)

Atlanta Bar Association, Criminal Law, Judicial and Litigation Sections (2015 – present)

Bleckley Inn of Court (2007 – present)

Charles L. Weltner Inn of Court (2015 – present)

Chief Justice's Commission on Professionalism, Working Group – Servicemembers Civil Relief Act Guide for Georgia Judges (2017 – present)

Council of Accountability Court Judges, Legislative Committee (2017 – present)

Council of Superior Court Judges, Accountability and Treatment Committee (2016 – present)

DeKalb Bar Association (2015 – present)

DeKalb Lawyers Association (2015 – present)

District of Columbia Bar Association (2002 – present)

Federal Bar Association (2016 – present)

The Federalist Society for Law & Public Policy Studies (2011 – present), Board of Advisors, Atlanta Lawyers Chapter (2015 – present)

Gate City Bar Association (2015 – present)

Georgia Association of Black Women Attorneys (2015 – present)

Georgia Association of Women Lawyers (2015 – present)

Joseph Henry Lumpkin Inn of Court (2018)

Judicial Council of the State of Georgia, Workload Assessment Committee, 4th Judicial Administrative District Representative (2018)

Judicial Invitational Golf Classic (2018)

Lawyers Club of Atlanta (2016 – present)

Old Warhorse Lawyers Club (2015 – present)

Republican National Lawyers Association, Georgia Judicial Committee (2012 – 2015)

State Bar of Georgia, Criminal Law, General and Trial Practice Law, Judicial and Military and Veterans Law Sections (1996 – present), Judicial Procedure and Administration/Uniform Rules Committee (2016 – present)

Student Bar Association (1993 – 1994), Senator (1993 – 1994)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Georgia (1996)
District of Columbia (2002)

There have been no lapses in memberships.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Court of Appeals for the Sixth Circuit (2011)
U.S. Court of Appeals for the Eleventh Circuit (1997)
U.S. Court of Appeals for the Armed Forces (2001)
U.S. District Court for the Northern District of Georgia (1997)

There have been no lapses in memberships.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Legion, Chair, War Monument Restoration Committee (2013 – 2014)

Ansley Golf Club (2013 –present)

Decatur Preservation Alliance (2016)

DeKalb County Chamber of Commerce (2015 – present)

Fernbank Museum of Natural History, Corporate Leadership Council (2009 – 2015)

Gridiron, Honorary (2016 – present)

Leadership Atlanta, Class of 2012

Leadership DeKalb, Class of 2016

Midtown Rotary Club (2014 – present)

Metro Atlanta Chamber of Commerce, Global Commerce Council and Education Committee (2008 – 2015)

Washington & Lee University
Atlanta Alumni Association Board (2004 – 2013)
Secretary (2008 – 2009)
Alumni Admissions Program Chair (2004 – 2007)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Years before I became a member of Ansley Golf Club, it is my understanding that it, like most similar clubs around the country, may have excluded members on discriminatory bases including race. Long before I became a member in 2014, Rotary International restricted its membership to men. Also note that Gridiron is a student-run fraternal organization at the University of Georgia, and there is a corresponding organization for women. To the best of my knowledge, none of the other organizations listed above discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

In 2015, a website was created for my campaign. That site is still active, but has not been significantly updated since early 2016: www.judgejpboulee.com.

Also in 2015, as part of my political campaign, a "palm card" or "push card" was created. Copy supplied.

Advertisements were created for my campaign. They ran in CrossRoads News in February and March, 2016. Copies supplied.

An electronic billboard was purchased for my campaign in March, 2016. Copy supplied.

Voluntary Disclosure of Corporate Misconduct to the Government: Considerations, Jones Day, January 2015. Copy supplied.

The Cybersecurity Debate: Voluntary Versus Mandatory Cooperation Between the Private Sector and the Federal Government, Jones Day, July 2013. Copy supplied.

District Court Rules FCPA Jurisdiction Has Limits, Metropolitan Corporate Counsel, April 2013. Copy supplied.

Corporate Internal Investigations: Best Practices, Pitfalls to Avoid, Jones Day, January 2013. Copy supplied.

DOJ/SEC's Resource Guide to the U.S. Foreign Corrupt Practices Act: Jones Day Summary and Analysis, Jones Day, December 2012. Copy supplied.

Georgia's New False Claims Act Part II: How This New Act May Apply to You, Jones Day, July 2012. Copy supplied.

The Other Half of False Claims Liability: State False Claims Acts, Jones Day, May 2012. Copy supplied.

FCPA and International Anticorruption Enforcement, Jones Day, May 2012. Copy supplied.

Georgia's New False Claims Act: It's Not Just For Health Care Anymore, Jones Day, May 2012. Copy supplied.

Criminal Actions Against Failed Bank Executives, Jones Day, April 2011. Copy supplied.

The Foreign Corrupt Practices Act and Potential Liability Related to International Acquisitions, Jones Day, September 2, 2010. Copy supplied.

Whistleblowers, Bounty Hunters, and the False Claims Act: The Fraud Enforcement Recovery Act of 2009 and the Approaching Wave of Anti-Fraud Litigation About to Sweep Far Beyond the Realm of Government Contractors, Jones Day, December 3, 2009. Copy supplied.

Where Do We Go From Here?: The History of the "Principles of Federal Prosecution of Business Organizations," Jones Day, June 18, 2009. Copy supplied.

Recovery for Mental Injuries That Are Accompanied by Physical Injuries Under Article 17 of the Warsaw Convention: The Progeny of Eastern Airlines, Inc. v. Floyd, Georgia Journal of International and Comparative Law, Winter 1995. Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

As a member of the Chief Justice's Commission on Professionalism, Working Group – Servicemembers Civil Relief Act Guide for Georgia Judges, I am working with numerous others on a Servicemembers Civil Relief Act Guide for Georgia Judges. The Guide is currently in draft form. Draft supplied.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 11, 2018: Panelist, "Not Your Everyday Custody Case: Advanced Issues Facing Custody Litigators and Guardians ad Litem," DeKalb Bar Association, Family Law Section, Atlanta, Georgia. Notes supplied.

October 5, 2018: Panelist, DeKalb County Superior Court Judges Panel, DeKalb Bar Association, Family Law Section, Decatur, Georgia. The panel was on practice and procedure, professionalism and ethics and other insights from the bench. I have no notes, transcript or recording. The address for the DeKalb Bar Association is 755 Commerce Drive, Decatur, Georgia 30030.

October 4, 2018: Panelist, "Fundraising – from the Candidate's Perspective," Georgia Association of Black Women Attorneys, Judicial and Public Office Academy, Atlanta, Georgia. Notes supplied.

September 29, 2018: Speaker, Heart of South DeKalb Festival, Decatur, Georgia. I thanked Commissioner Larry Johnson for hosting the event and for his support of the DeKalb County Veterans Treatment Court. I have no notes, transcript or recording. The address for Commissioner Larry Johnson is 1300 Commerce Drive, Decatur, Georgia 30030.

August 7, 2018: Speaker, Orientation on Professionalism, State Bar of Georgia Committee on Professionalism and Chief Justice's Commission on Professionalism, Atlanta, Georgia. Notes supplied.

July 15, 2018: Speaker, Veteran Trailblazer Award, JABY, Inc. International Trailblazer Awards, Atlanta, Georgia. Video link supplied: <https://youtu.be/Fogy57dStdY>.

June 21, 2018: Speaker, Swearing In – DeKalb Bar Association Officers and Board Members, Decatur, Georgia. Notes supplied.

May 26, 2018: Panelist, “Electronic Evidence Admissibility and Privacy Issues,” State Bar of Georgia, Family Law Section, Amelia Island, Florida. Notes supplied.

April 26, 2018: Panelist, “Discovery and Discovery Disputes: Effective and Efficient Evidence Gathering and Use,” Georgia Trial Lawyers Association, Atlanta, Georgia. Notes supplied.

March 27, 2018: Panelist, “No Warriors Left Behind: The Role of Veterans Treatment Courts,” John Marshall Law Journal Symposium, Atlanta, Georgia. Notes supplied.

March 20, 2018: Panelist, “Making Business Disputes Easy for the Bench,” Institute of Continuing Legal Education of Georgia, Atlanta, Georgia. Video link supplied: <http://www.iclega.org/online/confirmation/LM0JK15VJAz17Q7pgtZilLnT/index.html>.

February 15, 2018: Moderator, Justice Day Panel, Leadership DeKalb, Decatur, Georgia. Notes supplied.

January 27, 2018: Speaker, Senator Jim Tysinger Breakfast Forum, DeKalb County Republican Party, Tucker, Georgia. I spoke on my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Republican Party is 2050 Lawrenceville Highway, Suite 4054, Decatur, Georgia 30033.

January 11, 2018: Speaker, “Kick off the New Year with Judge J. P. Boulee,” Atlanta Bar Association, Family Law Section, Atlanta, Georgia. Notes supplied.

January 4, 2018: Speaker, “A View from the Bench,” State Bar of Georgia, Family Law Section, Atlanta, Georgia. Notes supplied.

January 3, 2018: Speaker, Swearing In – Clarkston Mayor and Council Members, Clarkston, Georgia. I congratulated the Mayor and Council Members on their election to office and gave them the oath of office. I have no notes, transcript or recording. The address for the City of Clarkston is 1055 Rowland Street, Clarkston, Georgia 30021.

November 13, 2017: Speaker, Swearing In – Jones Day Associates, Decatur, Georgia. I gave the attorney oath to new Jones Day associates; I also gave them general career advice. I have no notes, transcript or recording. The address for Jones Day is 1420 Peachtree Street N.E., Suite 800, Atlanta, Georgia 30309.

October 3, 2017: Speaker, "Complex Commercial Litigation in Georgia Courts," Georgia Chamber of Commerce, Atlanta, Georgia. Notes supplied.

September 19, 2017: Panelist, "Trial Practice and Ethics," DeKalb Lawyers Association, Decatur, Georgia. Notes supplied.

June 22, 2017: Speaker, Swearing In -- DeKalb Bar Association Officers and Board Members, Decatur, Georgia. I congratulated the new Officers and Board Members on their election and gave them the oath of office. I have no notes, transcript or recording. The address for the DeKalb Bar Association is 755 Commerce Drive, Decatur, Georgia 30030.

June 16, 2017: Panelist, "Trying Your Business Case in Georgia Courts," National Business Institute, Atlanta, Georgia. Notes supplied.

June 2, 2017: Panelist, "Electronic Filing in DeKalb County Superior Court," DeKalb Bar Association, Family Law Section, Decatur, Georgia. Notes supplied.

May 19, 2017: Panelist, "Advanced Tax Issues in Divorce," State Bar of Georgia, Family Law Section, Amelia Island, Florida. Notes supplied.

May 11, 2017: Panelist, "The False Claims Act: Ethical Considerations in Corporate Criminal Investigations," Polsinelli, Atlanta, Georgia. Notes supplied.

May 10, 2017: Panelist, "Fundraising from the Candidate's Perspective," Georgia Association of Black Women Attorneys, Judicial and Public Office Academy, Atlanta, Georgia. Notes supplied.

May 9, 2017: Speaker, "Ethics In and Out of the Courtroom," Jewish Federation of Greater Atlanta, Atlanta, Georgia. Notes supplied.

April 28, 2017: Panelist, "Closing Arguments," Georgia Trial Lawyers Association, Atlanta, Georgia. Notes supplied.

February 16, 2017: Moderator, Justice Day Panel, Leadership DeKalb, Decatur, Georgia. Notes supplied.

February 14, 2017: Panelist, "Stressors on the Family Law Practitioner and Tips on Resolving Them," Charles L. Weltner Inn of Court, Atlanta, Georgia. The panel was on typical stresses on family law lawyers and how to deal with and alleviate those stresses. I have no notes, transcript or recording. The Charles L. Weltner Inn of Court can be contacted through its President, Melody Z. Richardson, Esq.; her address is Richardson, Bloom & Lines LLC, 75 14th Street, Suite 2840, Atlanta, Georgia 30309.

February 12, 2017: Speaker, "Establishing a Veterans Court in DeKalb County," Decatur Rotary Club, Decatur, Georgia. Notes supplied.

February 10, 2017: Speaker, "A View from the Bench," Atlanta Bar Association, Criminal Law Section, Atlanta, Georgia. Notes supplied.

December 3, 2016: Speaker, Senator Jim Tysinger Breakfast Forum, DeKalb County Republican Party, Tucker, Georgia. I spoke on my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Republican Party is 2050 Lawrenceville Highway, Suite 4054, Decatur, Georgia 30033.

December 1, 2016: Speaker, Swearing In – Jones Day Associates, Decatur, Georgia. Notes supplied.

September 30, 2016: Panelist, "A View from the Bench," State Bar of Georgia, Family Law Section, Atlanta, Georgia. Notes supplied.

September 17, 2016: Speaker, "Veterans Courts," Veterans for Christ, Chamblee, Georgia. Notes supplied.

August 27, 2016: Panelist, Youth Issues Panel, Greater Piney Grove Baptist Church, Atlanta, Georgia. I applauded those present for their involvement in the panel discussion and cautioned them that they should be careful about who they associate themselves with and to thus avoid being in the wrong place at the wrong time. I have no notes, transcript or recording. The address for the Greater Piney Grove Baptist Church is 1879 Glenwood Avenue S.E., Atlanta, Georgia 30316.

July 24, 2016: Speaker, Address to Congregation, One Accord Community Church, Decatur, Georgia. I spoke on my background, my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for One Accord Community Church is 5285 Flat Shoals Parkway, Decatur, Georgia 30034.

July 19, 2016: Panelist, "A View from the Bench," DeKalb Bar Association, Trial Lawyers Section, Decatur, Georgia. Notes supplied.

June 16, 2016: Speaker, Swearing In – DeKalb Bar Association Officers and Board Members, Decatur, Georgia. I congratulated the new Officers and Board Members on their election and gave them the oath of office. I have no notes, transcript or recording. The address for the DeKalb Bar Association is 755 Commerce Drive, Decatur, Georgia 30030.

May 21, 2016: Speaker, Swearing In – DeKalb Lawyers Association Officers, Decatur, Georgia. I congratulated the new Officers on their election and gave them the oath of office. I have no notes, transcript or recording. The address for the DeKalb Lawyers Association is Post Office Box 2403, Decatur, Georgia 30031.

May 15, 2016: Speaker, Address to Congregation, Mt. Patmos Baptist Church, Decatur, Georgia. I spoke on my background, my position as a Superior Court judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for Mt. Patmos Baptist Church is 2207 Candler Road, Decatur, Georgia 30032.

May 11, 2016: Panelist, "Fundraising," Georgia Association of Black Women Attorneys, Judicial and Public Office Academy, Atlanta, Georgia. The panel was on best practices and tips for successfully raising money in an election campaign. I have no notes, transcript or recording. The address for the Georgia Association of Black Women Attorneys is Post Office Box 4381, Atlanta, Georgia 30302.

April 29, 2016: Panelist, "What Judges Expect from Lawyers in High Profile/Media Cases," Georgia Trial Lawyers Association, Atlanta, Georgia. Notes supplied.

April 3, 2016: Speaker, Address to Congregation, Salem Bible Church, Lithonia, Georgia. I spoke on my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the Salem Bible Church is 5460 Hillandale Drive, Lithonia, Georgia 30058.

March 26, 2016: Speaker, Senator Jim Tysinger Breakfast Forum, DeKalb County Republican Party, Tucker, Georgia. I believe I spoke on my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Republican Party is 2050 Lawrenceville Highway, Suite 4054, Decatur, Georgia 30033.

March 26, 2016: Speaker, Monthly Breakfast Meeting, DeKalb County Democratic Party, Tucker, Georgia. I believe I spoke on my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Democratic Party is Post Office Box 837, Decatur, Georgia 30031.

March 19, 2016: Speaker, Opening Remarks, 23rd Annual Georgia Association of Women Lawyers Art Auction, Atlanta, Georgia. I thanked the Georgia Association of Women Lawyers for inviting me to the auction and mentioned that my wife and sister are both artists. I have no notes, transcript or recording. The address for the Georgia Association of Women Lawyers is Post Office Box 79308, Atlanta, Georgia 30357.

March 10, 2016: Speaker, "A View from the Bench," Atlanta Bar Association, Family Law Section, Atlanta, Georgia. Notes supplied.

February 28, 2016: Speaker, Address to Congregation, Berean Christian Church, Stone Mountain, Georgia. I spoke on my background, my work as a judge since taking office and the Veterans Treatment Court. I have no notes, transcript or recording. The address for the Berean Christian Church is 2201 Young Road, Stone Mountain, Georgia 30088.

February 23, 2016: Speaker, Veterans Court, DeKalb County District 4 Community Meeting, Stone Mountain, Georgia. I spoke on my efforts to found a Veterans Treatment

Court in DeKalb County. I have no notes, transcript or recording. The address for the DeKalb County District 4 is 1300 Commerce Drive, 5th Floor, Decatur, Georgia 30030.

February 16, 2016: Panelist, Financial Topics in Family Law, Atlanta Bar Association, Family Law Section, Atlanta, Georgia. Notes supplied.

February 9, 2016: Speaker, Monthly Meeting, East Atlanta Community Association, Atlanta, Georgia. I spoke on my background, my position as a Superior Court judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the East Atlanta Community Association is Post Office Box 18366, Atlanta, Georgia 30316.

December 10, 2015: Speaker, Invocation, DeKalb County Chamber of Commerce Legislative Preview, Decatur, Georgia. I said a prayer at the beginning of this Chamber of Commerce meeting. I have no notes, transcript or recording. The address for the DeKalb County Chamber of Commerce is 125 Clairemont Avenue, Suite 235, Decatur, Georgia 30030.

December 7, 2015: Speaker, Pearl Harbor Proclamation, DeKalb County Branch, National Association for the Advancement of Colored People, Decatur, Georgia. I read a brief proclamation in memory of the victims of the attack on Pearl Harbor. I have no notes, transcript or recording. The address for the National Association for the Advancement of Colored People, DeKalb County Branch, is 3011 Rainbow Drive, Suite 180-A, Decatur, Georgia 30034.

December 5, 2015: Speaker, DeKalb GOP Breakfast, DeKalb County Republican Party, Dunwoody, Georgia. I spoke on my background, my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Republican Party is 2050 Lawrenceville Highway, Suite 4054, Decatur, Georgia 30033.

November 20, 2015: Speaker, Swearing In – Jones Day Associates, Atlanta, Georgia. I gave the attorney oath to new Jones Day associates; I also gave them general career advice. I have no notes, transcript or recording. The address for Jones Day is 1420 Peachtree Street N.E., Suite 800, Atlanta, Georgia 30309.

November 16, 2015: Speaker, Swearing In – Hunton & Williams Associates, Atlanta, Georgia. Notes supplied.

November 16, 2015: Speaker, Monthly Meeting, Candler Park Neighborhood Association, Atlanta, Georgia. I spoke on my background, my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the Candler Park Neighborhood Association is Post Office Box 5418, Atlanta, Georgia 31107.

November 11, 2015: Speaker, Veterans Day Reception, Georgia Hispanic Bar Association, Atlanta, Georgia. Notes supplied.

November 10, 2015: Speaker, Campaign Fundraiser, Krevolin & Horst, Atlanta, Georgia. Notes supplied.

November 7, 2015: Speaker, "The Importance of Women in the Military," "We Care" Veterans Brunch, Veterans Forces of Hope, House of Hope Church, Decatur, Georgia. I believe I complimented the first two females to graduate from the U.S. Army's Ranger School on their achievement and spoke on the women I worked with while I served in the Army. I have no notes, transcript or recording. The address for the House of Hope Church is 4650 Flat Shoals Parkway, Decatur, Georgia 30034.

November 5, 2015: Speaker, Campaign Fundraiser, Arnall Golden Gregory LLP, Atlanta, Georgia. Notes supplied.

November 1, 2015: Speaker, Address to Congregation, Mt. Patmos Baptist Church, Decatur, Georgia. I believe I spoke on my background, my work as a judge since taking office and the Veterans Treatment Court. I have no notes, transcript or recording. The address for Mt. Patmos Baptist Church is 2207 Candler Road, Decatur, Georgia 30032.

October 30, 2015: Speaker, Swearing In – DeKalb County Assistant District Attorney and Assistant Solicitors, Decatur, Georgia. I gave the attorney oath to new Assistant District Attorneys and Solicitors; I may have also given them general career advice. I have no notes, transcript or recording. The address for the DeKalb County Assistant District Attorney is 556 North McDonough Street, Suite 700, Decatur, Georgia 30030. The address for the DeKalb County Solicitor is 556 North McDonough Street, Suite 500, Decatur, Georgia 30030.

October 23, 2015: Speaker, Campaign Fundraiser, Bondurant, Mixson & Elmore LLP, Atlanta, Georgia. Notes supplied.

October 15, 2015: Speaker, Campaign Kick-off, Friends of Judge J. P. Boulee, Decatur, Georgia. Notes supplied.

October 13, 2015: Panelist, Judges Panel, Charles L. Weltner Family Law Inn of Court, Atlanta, Georgia. Notes supplied.

October 10, 2015: Speaker, Senator Jim Tysinger Breakfast Forum, DeKalb County Republican Party, Tucker, Georgia. I spoke on my work as a Superior Court Judge and the Veterans Treatment Court. I have no notes, transcript or recording. The address for the DeKalb County Republican Party is 2050 Lawrenceville Highway, Suite 4054, Decatur, Georgia 30033.

October 4, 2015: Speaker, Monthly Meeting, Dunwoody Homeowners Association, Dunwoody, Georgia. Video link supplied:
<https://www.youtube.com/watch?v=FJUvH1S5RoM>.

September 27, 2015: Speaker, Address to Congregation, Salem Bible Church, Lithonia, Georgia. I spoke on my background, my work as a judge since taking office and the Veterans Treatment Court. I have no notes, transcript or recording. The address for the Salem Bible Church is 5460 Hillandale Drive, Lithonia, Georgia 30058.

September 24, 2015: Speaker, Campaign Fundraiser, Friends of Judge J. P. Boulee, Atlanta, Georgia. I spoke on my background, my work as a judge since taking office, the Veterans Treatment Court and the status of my campaign. I have no notes, transcript or recording. The address for Friends of Judge J. P. Boulee is Post Office Box 1978, Decatur, Georgia 30031.

September 23, 2015: Panelist, "A View from the Bench: Courtroom Tips for Younger Lawyers," State Bar of Georgia, Family Section, Young Lawyers Division, Decatur, Georgia. The panel was on best practices and tips (and things to avoid) for practitioners with cases pending in Superior Court. I have no notes, transcript or recording. The address for the State Bar of Georgia is 104 Marietta Street N.W., Suite 100, Atlanta, Georgia 30303. Press report supplied.

September 22, 2015: Speaker, DeKalb County Veterans Treatment Court, Midtown Atlanta Rotary Club, Atlanta, Georgia. I spoke on my efforts to found a Veterans Treatment Court in DeKalb County. I have no notes, transcript or recording. The address for the Midtown Atlanta Rotary Club is 196 Montgomery Ferry Drive N.E., Atlanta, Georgia 30309.

September 16, 2015: Speaker, Monthly Meeting, Druid Hills Civic Association, Atlanta, Georgia. I spoke on my background, my position as a Superior Court judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the Druid Hills Civic Association is 2161 Ponce de Leon Avenue N.E., Atlanta, Georgia 30307.

September 14, 2015: Speaker, Monthly Meeting, East Lake Neighborhood Community Association, Atlanta, Georgia. I spoke on my background, my position as a Superior Court judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the East Lake Neighborhood Community Association is Post Office Box 170190, Atlanta, Georgia 30317.

September 10, 2015: Speaker, Monthly Meeting, Kirkwood Neighbors' Organization, Atlanta, Georgia. I spoke on my background, my position as a Superior Court Judge and Veterans Treatment Court. I have no notes, transcript or recording. The address for the Kirkwood Neighbors' Organization is Post Office Box 170010, Atlanta, Georgia 30317.

September 10, 2015: Panelist, "Not Your Everyday Custody Case: Advanced Issues Facing Custody Litigators and Guardians ad Litem," DeKalb Bar Association, Family Law Section, Atlanta, Georgia. Notes supplied.

August 26, 2015: Panelist, "A View from the Bench," DeKalb Bar Association, Trial Lawyers Section, Decatur, Georgia. The panel was on best practices and tips (and things

to avoid) for practitioners with cases pending in Superior Court. I have no notes, transcript or recording. The address for the DeKalb Bar Association is 755 Commerce Drive, Decatur, Georgia 30030.

August 22, 2015: Speaker, Senator Jim Tysinger Breakfast Forum, DeKalb County Republican Party, Tucker, Georgia. Video link supplied:
<https://www.youtube.com/watch?v=3UESdO9DJhc>.

June 29, 2015: Speaker, Campaign Event, Williams Teusink, Decatur, Georgia. Notes supplied.

June 29, 2015: Speaker, Investiture Speech, Atlanta, Georgia. Notes supplied. Press report supplied.

February 19, 2015: Panelist, "Internal, Government and Whistleblower Investigations and Related Privilege Issues," Jones Day, Atlanta, Georgia. Notes supplied.

November 7, 2014: Moderator, "As Judges See It: Top Mistakes Lawyers Make in Civil Litigation," National Business Institute, Atlanta, Georgia. I moderated a panel of judges who discussed mistakes lawyers make before them and best practices. I have no notes, transcript or recording. The address for the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54702.

February 28, 2013: Panelist, "Data Privacy: Preparing For and Responding To Data Breaches: A Primer for In-House Counsel," Jones Day, Atlanta, Georgia. Notes supplied.

November 28, 2012: Panelist, "DOJ/SEC's Resource Guide to the U.S. Foreign Corrupt Practices Act (FCPA) and Other Recent Developments," Grant Thornton CPE: State of the Union - A Post-Election Perspective on Business, Atlanta, Georgia. I have no notes, transcript or recording. The address for Grant Thornton is 1100 Peachtree Street N.E., Suite 1200, Atlanta, Georgia 30309.

August 23, 2012: Panelist, "Challenges for Global Corporations: Navigating International Data Privacy and Disclosure Laws," Jones Day, Atlanta, Georgia. The panel was on best practices for handling data privacy cases and avoiding pitfalls in handling data privacy issues and related disclosure issues under international law. I have no notes, transcript or recording. The address for Jones Day is 1420 Peachtree Street N.E., Suite 800, Atlanta, Georgia 30309. Press report supplied.

May 2, 2012: Panelist, Global Business Essentials: Brazil, Jones Day, Atlanta, Georgia. Notes supplied. Press report supplied.

November 11, 2011: Panelist, Managing Ethics and Compliance Risks Amid New Bribery Laws in BRIC Countries, MAPI Manufacturers Alliance, Ethics and Compliance Counsel, Atlanta, Georgia. Notes supplied.

January 28, 2011: Panelist, "White Collar Crime: Grand Jury Practice – Avoiding Missteps that Could Endanger the Client," Institute of Continuing Legal Education of Georgia, Atlanta, Georgia. The panel was on white collar criminal law and best practices in handling white collar criminal cases. I have no notes, transcript or recording. The address for the Institute of Continuing Legal Education of Georgia is 104 Marietta Street N.W., Atlanta, Georgia 30303.

November 15, 2010: Panelist, "Lawyer Ethics," Bleckley Inn of Court, Atlanta, Georgia. The panel was on ethics and professionalism in the legal profession. I have no notes, transcript or recording. The Bleckley Inn of Court can be reached through its faculty coordinator, Kelly Cahill Timmons, Esq.; her address is Georgia State University, College of Law, 85 Park Place N.E., Room 409, Atlanta, Georgia 30303.

September 2, 2010: Panelist, "Foreign Corrupt Practices Act (FCPA): International Business and Crime – An Overview," Institute of Continuing Legal Education of Georgia, Atlanta, Georgia. The panel was on the basics of the FCPA and recent cases involving the Act. I have no notes, transcript or recording. The address for the Institute of Continuing Legal Education of Georgia is 104 Marietta Street N.W., Atlanta, Georgia 30303.

March 3, 2010: Panelist, "White Collar Crime Update," Jones Day, Atlanta, Georgia. Notes supplied.

December 3, 2009: Panelist, "Corporate Compliance Update: Government Enforcement Actions – The Foreign Corrupt Practices Act and the False Claims Act," Corporate Counsel Institute, Atlanta, Georgia. Notes supplied.

June 18, 2009: Panelist, "Recent Developments in Corporate Criminal Investigations: The Filip Memorandum and the SEC Enforcement Manual," Jones Day, Atlanta, Georgia. Notes supplied.

May 1, 2009: Panelist, "How to Conduct a Dynamic Direct and Cross-Examination in a Business Trial," American Bar Association, Section of Litigation, Atlanta, Georgia. I have no notes, transcript or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

November 21, 2008: Panelist, "Criminal Law for Non-Criminal Lawyers," Institute of Continuing Legal Education of Georgia, Atlanta, Georgia. I have no notes, transcript or recording. The address for the Institute of Continuing Legal Education of Georgia is 104 Marietta Street N.W., Atlanta, Georgia 30303.

During my June 2015 – May 2016 campaign to hold the judicial seat I was appointed to, I gave a number of talks at fundraisers and other campaign events to various groups at different places throughout DeKalb County and metropolitan Atlanta. I believe most of

the events that I spoke at are referenced herein. But there may have been others. Other than what is reflected herein, I have no notes, transcripts or recordings.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Craig Johnson, "Treatment Court" to Aid Troubled Veterans in DeKalb, Patch, Jan. 5, 2017. Copy supplied.

DeKalb County Launches New Veterans Treatment Court, DeKalb County, Jan. 5, 2017. Copy supplied.

Veterans Day Profiles, Judicial Council of Georgia, Nov. 2016. Copy supplied.

Steven P. Shewmaker, Interview with the Hon. J. P. Boulee, Family L. Rev., Fall 2015. Copy supplied.

Mark Davis, Saluting the Past: WWI Monument Repaired for Rededication, Atlanta Journal-Constitution, July 25, 2014. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

On May 12, 2015, Governor Nathan Deal of Georgia appointed me to serve on the DeKalb County Superior Court. I was sworn in by the Governor on June 29, 2015, and began serving on the Court on July 1, 2015. I was re-elected by the citizens of DeKalb County in an unopposed election on May 24, 2016.

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over thirty-three jury trials, which includes thirty-two criminal felonies and one divorce. Although the death penalty was not sought in any of the cases, of the thirty-two criminal trials where I presided, twenty were defined as capital felonies (any crime punishable by death).

In addition to the jury trials, I hear approximately sixty-five civil matters each month and eighty general criminal matters. As such, I have conducted thousands of hearings involving a wide array of issues including child support determinations, discovery disputes, motions for summary judgment, pre-trial hearings, bond hearings and probation revocations. Of the civil matters I hear each month, approximately five are bench trials. In total, thus, I have presided over roughly 195 bench trials.

i. Of these, approximately what percent were:

jury trials:	15%
bench trials:	85%
civil proceedings:	85%
criminal proceedings:	15%

b. Provide citations for all opinions you have written, including concurrences and dissents.

Trial court opinions in Georgia are not formally published. I did, however, sit by designation with the Supreme Court of Georgia in 2016, and joined an opinion written by Justice David E. Nahmias. *See Nemchik v. Riggs*, 792 S.E.2d 347 (Ga. 2016).

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Tower Lending, LLC v. LeeBrant Jewelers, Inc.*, Civil Action No. 16-CV-12209-6 (Ga. Super. Ct.).

Tower Lending, LLC ("Plaintiff") brought suit against LeeBrant Jewelers, Inc., Brantlee Realty, LLC and Brant E. Bateman (collectively "Defendants") after Defendants defaulted on a \$7.3 million loan obligation. Due to the high value of the loan and the property that served as collateral (commercial real estate and rare jewelry), the case was significant. I was asked, on an emergency basis, to determine the meaning of the contract as well as the value of the collateral. In the case, Plaintiff argued that regardless of the value of the collateral, pursuant to the contract, it was entitled to all the collateral in the event of default, even if the value of the collateral exceeded the amount of the debt owed. I disagreed and determined that Plaintiff was only entitled to the collateral up to the amount owed on the debt. The parties ultimately entered a Stipulation of Dismissal with Prejudice.

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2. *State v. Cook*, Criminal Action No. 16-CR-2825-6 (Ga. Super. Ct.).

Russell Cook ("Defendant") was charged with seventeen counts of various sexually related offenses, including rape, incest, and aggravated child molestation. I was asked to determine the admissibility of several independent crimes or acts under O.C.G.A. §§ 24-4-413(b), 24-4-414(b), and 24-4-404(b). Specifically, the State sought to introduce a previous act of physical abuse committed by Defendant and a previous act of sexual abuse committed by Defendant. After a pre-trial hearing where the State made an attorney's proffer of the potential testimony, both acts were conditionally admitted. However, after hearing from the trial witness outside the presence of the jury regarding the physical abuse, I only allowed the State to present evidence of the previous sexual abuse. The jury convicted Defendant of every count. I sentenced Defendant to seven life sentences plus ninety years to run consecutive. Eighty-seven of those years were to be served in confinement. Because the law requires a "split-sentence," the remaining three years were to be served on probation.

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3. *Olympiadis v. Bawcom*, Civil Action No. 16-CV-2971-6 (Ga. Super. Ct.).

This case involved a boundary dispute between two neighbors. I was asked to determine whether an interlocutory injunction was proper. I was also asked to decide an involved motion for summary judgment that required careful review of multiple depositions. After partial summary judgment was granted, I conducted a bench trial to determine punitive damages, attorney's fees and the correct property boundaries. Contempt allegations were made and ruled upon as well. I entered a final order in the case, and neither party appealed.

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Counsel for Defendants

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4. *State v. Olsen*, Criminal Action No. 16-CR-1181-6 (Ga. Super. Ct.).

Robert Olsen ("Defendant"), who is a former member of the police force of DeKalb County, is alleged to have shot and killed an individual while on duty as a police officer. Defendant was charged with murder and various other crimes. Defendant moved for dismissal of the indictment due to unauthorized persons in the grand jury room, which was an issue of first impression in Georgia. I denied Defendant's motion and my ruling was affirmed by the Supreme Court of Georgia. I was also asked to determine if Defendant is entitled to immunity based on self-defense. I determined that Defendant failed to make the required showing. Ultimately, it will be for the jury to decide if Defendant acted in self-defense. In addition, Defendant filed a general and supplemental demurrer. I denied the general demurrer and determined that the felony murder statute is not unconstitutionally vague as applied in this case. I also denied the supplemental demurrer as an improper speaking demurrer because Defendant asked that I consider evidence outside of the indictment.

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5. *State v. Cooper*, Criminal Action No. 15-CR-3145-6 (Ga. Super. Ct.).

Deontray Cooper ("Defendant") was charged with malice murder, felony murder, aggravated assault and possession of firearm during commission of a felony after he allegedly shot and killed Thearon Almond while on duty as a hotel security guard. The case was significant because I allowed the use of a juror questionnaire to aid in the

efficiency of jury selection. I was also asked to determine whether the jury should be able to consider evidence that Defendant was violating his employment contract when he shot and killed Almond. Defendant was convicted of voluntary manslaughter, which is a lesser included offense, and aggravated assault. I sentenced Defendant to twenty-five years, with the first seventeen in custody.

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6. *Parham v. Quesada*, Civil Action No. 15-CV-5114-6 (Ga. Super. Ct.).

James Parham and Loretta O'Brien-Parham ("Grandparents") brought an action against Rafael L. Quesada ("Father") seeking custody of their minor grandchildren after the children's mother was tragically killed in a car accident. I used the services of a Guardian ad Litem and a custodial evaluator. A motion to dismiss was filed whereby Father sought to dismiss James Parham from the action because he was a grandparent by marriage. When the motion was denied on narrow grounds, the parties were able to resolve the case short of trial.

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Counsel for the Children (Guardian ad Litem)

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7. *State v. Cross*, Criminal Action No. 14-CR-4413-6 (Ga. Super. Ct.).

Donovan Cross ("Defendant") was charged with rape, aggravated sodomy and burglary. Before trial, the burglary charge was *nolle prossed*. The case was significant because the State sought to introduce eight different other crimes, wrongs and acts under O.C.G.A. § 24-4-404(b). Many of the other crimes could be defined as "peeping Tom" crimes. The issue was made more difficult because in the context of O.C.G.A. § 24-4-404(b), "peeping Tom" incidents have not been analyzed in detail. Ultimately, I admitted some of the other acts evidence and excluded others as being unfairly prejudicial. The jury convicted Defendant of both rape and aggravated sodomy. Defendant was sentenced to two life sentences to run consecutive.

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8. *Georgia Insurers Insolvency Pool v. Basenko*, Civil Action No. 14-CV-9905-6 (Ga. Super. Ct.).

This case was significant because it involved an issue of first impression. The Georgia Insurers Insolvency Pool ("Plaintiff") filed a declaratory action against Evelina Basenko ("Defendant"). Plaintiff asked me to determine whether it had a duty to provide uninsured motorist coverage when Defendant had signed a limited release. Ultimately, I construed the statutory language narrowly and found in favor of Defendant. Plaintiff initially appealed the decision to the Georgia Court of Appeals, but withdrew the appeal before the issue was decided.

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Counsel for Defendant

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9. *State v. Rickman*, Criminal Action No. 13CR5228-6 (Ga. Super. Ct.).

Victoria Rickman ("Defendant") was charged with the murder of her boyfriend. I was asked to determine the admissibility of certain out-of-court statements under O.C.G.A. § 24-8-804(b)(5). I was also asked to determine whether evidence was admissible under O.C.G.A. § 24-4-404(b). Constitutional issues relating to the psychologist-patient privilege, Sixth Amendment right to a speedy trial and failure to preserve material evidence were also raised. The jury convicted Defendant of all counts. I sentenced Defendant to life in prison without parole plus five years.

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10. *State v. Franks*, Criminal Action No. 11CR1928-6 (Ga. Super. Ct.).

Crisincio Franks ("Defendant") was charged with eleven counts of armed robbery. Several important constitutional issues were presented, including Defendant's right to represent himself and Defendant's right to be free from unlawful search and seizure. After a hearing, I allowed Defendant to proceed *pro se*, but with stand-by counsel to assist him. I granted Defendant's motion to suppress after finding that it was not reasonable for police to search a home over the objection of someone residing in the home. This issue had not been squarely decided in Georgia. After granting Defendant's motion, pursuant to a negotiated plea, Defendant pled guilty to one count of armed robbery, and I sentenced Defendant to a total of twenty years with the first ten to be served in custody.

Counsel for the State of Georgia

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Standby Counsel for Defendant

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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were

not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. Order Granting State's Motion for Psychiatric Evaluation of Defendant Should Defendant Admit Expert Testimony on Battered Person Syndrome (*State v. Rickman*, Criminal Action No. 13-CR-5228-6 (Ga. Super. Ct., Aug. 11, 2017)). Decision supplied.

Counsel for the State of Georgia

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2. Order on State's Request to Introduce Evidence of Independent Crimes or Acts (*State v. Cook*, Criminal Action No. 16-CR-2825-6 (Ga. Super. Ct., June 6, 2017)). Decision supplied.

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3. Order Denying Defendant's Motion and Amended Motion for New Trial (*State v. Hernandez*, Criminal Action No. 11-CR-1928-6 (Ga. Super. Ct., Nov. 21, 2016)).

Decision supplied.

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4. Order Denying Defendant's Motion and Amended Motion for New Trial (*State v. Cannon*, Criminal Action No. 12-CR-5577-6 (Ga. Super. Ct., Nov. 4, 2016), *aff'd* 806 S.E.2d 584 (Ga. 2017)). Decision supplied.

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5. Order Denying Motion to Dismiss Based on the Presence of Unauthorized Individuals in the Grand Jury Room (*State v. Olsen*, Criminal Action No. 16CR1181-6 (Ga. Super. Ct., Oct. 4, 2016), *aff'd* 806 S.E.2d (Ga. 2017)). Decision supplied.

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6. Order Denying Plaintiffs' Motion for Partial Summary Judgment and Granting in Part and Denying in Part Defendants' Motion for Partial Summary Judgment (*J&J Golf, Inc. v. Trub Partners, LLC*, Civil Action No. 13-CV-11219-6 (Ga. Super. Ct., Aug. 2,

2016)). Decision supplied.

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7. Order Denying Defendant's Plea in Bar Based on Violation of Defendant's Constitutional Right to a Speedy Trial (*State v. Rickman*, Criminal Action No. 13-CR-5228-6 (Ga. Super. Ct., June 2, 2016)). Decision supplied.

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8. Order on State's Request to Introduce Evidence of Independent Crimes or Acts (*State v. Jones*, Criminal Action No. 15-CR-1783-6 (Ga. Super. Ct., June 1, 2016)).
Decision supplied.

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9. Order Granting Defendant's Motion to Suppress (*State v. Franks*, Criminal Action No. 11-CR-1928-6 (Ga. Super. Ct., May 31, 2016)). Decision supplied.

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10. Order Denying Defendant's Motion and Amended Motion for New Trial (*State v. Epperson*, Criminal Action No. 10-CR-5064-6 (Ga. Super. Ct., Apr. 6, 2016), *aff'd* 796 S.E.2d 1 (Ga. Ct. App. 2016)). Decision supplied.

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e. Provide a list of all cases in which certiorari was requested or granted.

None.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Of the thirty that have been considered, only two decisions have been reversed by a reviewing court. None have been affirmed with significant criticism.

State v. Burns, Criminal Action No. 14CR2151-6 (Ga. Super. Ct.). I did not preside over the original trial of Willie Burns ("Defendant"). When I inherited the case, I was asked to make a ruling on Defendant's Motion for a New Trial. After denying the motion, Defendant appealed. See Order Denying Defendant's Motion and Amended Motion for New Trial. Decision supplied.

In the case, Defendant was convicted of aggravated assault. Defendant's trial counsel did not request a jury charge regarding accomplice corroboration, and Judge Cynthia J. Becker, who presided over the trial, did not give the charge. I evaluated whether Defendant was entitled to a new trial based upon his counsel's ineffective assistance for failing to ask for the jury charge. Ultimately, I determined that even though Defendant's counsel was ineffective, Defendant did not sufficiently prove that he suffered prejudice as a result of the failure to request the jury charge. Reviewing the trial evidence *de novo*, the Georgia Court of Appeals disagreed and determined that Defendant showed that he was prejudiced by his counsel's failure to request the charge. *Burns v. State*, 803 S.E.2d 79 (Ga. Ct. App. 2017).

Wentz v. Emory Healthcare, Inc., Civil Action File Nos. 17-CV-2515-6 and 17-CV-7567-6 (Ga. Super. Ct.). In this medical malpractice action, Defendant filed a motion to dismiss alleging that an expert affidavit was defective. Instead of curing the affidavit as of right within the thirty days or asking for an extension of time to cure the defect, Plaintiff filed a voluntary dismissal without prejudice. When Plaintiff filed the renewal action, Defendant moved to dismiss Plaintiff's renewal action under the doctrine of *res judicata* and moved to strike Plaintiff's dismissal without prejudice. I granted Defendant's motions. *See Order. Decision Supplied.* The Georgia Court of Appeals reversed. *Wentz v. Emory Healthcare, Inc.*, No. A18A0908, 2018 WL 4403345 (Ga. Ct. App. Sept. 17, 2018).

In Westlaw searches, my name appears on two other cases that have been reversed. My name appears only because I assumed office and inherited the case after it went up on appeal. In *State v. Lewis*, 779 S.E.2d 643 (Ga. 2015), I did not impose the sentence that the Supreme Court of Georgia later determined was improper, nor did I make any rulings regarding the case. My predecessor did. In *Zook v. Arch Specialty Ins. Co.*, 784 S.E.2d 119 (Ga. Ct. App. 2016), while I entered an order authorizing the appeal to go forward, my predecessor issued the summary judgment opinion which was reversed.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Trial court orders in Georgia are not published in official reporters and as such, no formal citation exists. Through the DeKalb Clerk of Superior Court, all written orders are available to the public. The contact information for obtaining these decisions is as follows:

DeKalb Clerk of Superior Court
DeKalb County Courthouse
556 North McDonough Street, Suite G210
Decatur, Georgia 30030
(404) 371-2836

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Although there are no formal citations, as trial court opinions in Georgia are not published, I have written several significant opinions on constitutional issues, which are listed below and supplied.

State v. Parker, Criminal Action No. 16-CR-3300-6 (Ga. Super. Ct., May 25, 2018) (discussing double jeopardy). Decision supplied.

State v. Mendoza-Garcia, Criminal Action No. 17-CR-1720-6 (Ga. Super. Ct., Jan. 30, 2018) (discussing search and seizure). Decision supplied.

State v. Rickman, Criminal Action No. 13-CR-5228-6 (Ga. Super. Ct., Aug. 11, 2017) (discussing self-incrimination). Decision supplied.

State v. Francis, Criminal Action No. 16-CR-2988-6 (Ga. Super. Ct., Mar. 20, 2017) (discussing search and seizure). Decision supplied.

State v. Heppard, Criminal Action No. 12-CR-3636-6 (Ga. Super. Ct., July 18, 2016) (discussing a defendant's right to a speedy trial). Decision supplied.

Ross v. Ross, Civil Action No. 15-CV-7809-6 (Ga. Super. Ct., July 1, 2016) (discussing parental rights). Decision supplied.

State v. Rickman, Criminal Action No. 13-CR-5228-6 (Ga. Super. Ct., June 2, 2016) (discussing a defendant's right to a speedy trial). Decision supplied.

State v. Franks, Criminal Action No. 11-CR-1928-6 (Ga. Super. Ct., May 31, 2016) (discussing search and seizure). Decision supplied.

State v. Epperson, Criminal Action No. 10-CR-5064 (Ga. Super. Ct., Apr. 6, 2016), *aff'd* 796 S.E.2d 1 (Ga. Ct. App. 2016) (discussing a defendant's right to a speedy trial). Decision supplied.

State v. Zachary, Criminal Action No. 12-CR-5712-6 (Ga. Super. Ct., Oct. 15, 2015) (discussing a defendant's right to a speedy trial). Decision supplied.

State v. Booth, Criminal Action No. 12-CR-3905-6 (Ga. Super. Ct., Sept. 22, 2015) (discussing double jeopardy). Decision supplied.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a general matter, when assessing whether I need to recuse, I consider the Georgia Code of Judicial Conduct, particularly the provisions of Canons 2, 3(E) and (F). Those provisions mandate that I avoid not only impropriety, but the appearance of impropriety. To avoid any possible appearance of impropriety, I typically *sua sponte* voluntarily recuse myself where I may know a party or where a member of my staff knows a party.

The DeKalb Superior Court does have an automatic bench recusal policy, which provides that the entire DeKalb Superior Court Bench will be recused from criminal cases involving any active DeKalb County judge or a judge's spouse or child. The bench will also be recused from any civil cases involving an active DeKalb County judge. These recusals are typically done without my knowledge.

I have been asked to recuse myself twice:

Roberts v. DeKalb County Medical Center, Inc., Civil Action No. 13CV6471-6 (Ga. Super. Ct.). Plaintiff moved to recuse based on a dissatisfaction with previous rulings made in the case. Plaintiff never alleged any particular bias or conflict of interest. In determining whether I needed to recuse, I assessed Plaintiff's motion under Rule 25 of the Uniform Rules of Superior Court, which contains affidavit and time limitation requirements for litigants seeking recusal. Although Plaintiff's motion and accompanying affidavit failed to satisfy the legal requirements for recusal, I nevertheless elected to recuse myself to avoid any possible appearance that my impartiality might be questioned. See Order of Recusal (*Roberts v. DeKalb Cty. Med. Ctr., Inc.*, Civil Action No. 13CV6471-6 (Ga. Super. Ct., May 18, 2018)). Decision supplied.

Noble v. Matevosyan, Civil Action No. 17CV8129-6 (Ga. Super. Ct.). After two other judges already recused themselves (one on motion and one voluntarily), Defendants moved to recuse alleging bias even before I held any hearings or issued any orders in the case. Defendants claimed that bias was shown because the matter had not yet been placed on a jury trial calendar (despite the fact that the case had only been pending before me for three months and both sides filed numerous motions and the motions were, in fact, scheduled). Although I do not believe that the motion satisfied the legal requirements for recusal, I recused myself to avoid any possible appearance of impropriety. *See Order of Recusal (Noble v. Matevosyan*, Civil Action No. 17CV8129-6 (Ga. Super. Ct., Sept. 7, 2018)). Decision supplied.

I have voluntarily recused from the following cases:

Kyser v. Demorest, Civil Action No. 18-FM-1945-6 (Ga. Super. Ct.). I recused because of my familiarity with the parties and the underlying facts of the case.

Northcrest Condo. Assoc., Inc. v. Jones, Civil Action No. 18-CV-1163-6 (Ga. Super. Ct.). Many members of the DeKalb County Superior Court bench recused under the assumption that Defendant was a county commissioner.

Telos Capital, LLC v. Irinda Capital Mgmt., Civil Action No. 17-CV-11066-6 (Ga. Super. Ct.). I recused because one of the attorneys in the case was my campaign treasurer.

Jones v. McManus, Civil Action No. 17-CV-10793-6 (Ga. Super. Ct.). I recused because Defendant was the long-term doctor of my judicial assistant, who could not effectively be screened from the action.

Salmon v. Butler, Civil Action No. 17-CV-7356-6 (Ga. Super. Ct.). I recused because Plaintiff was a former employee of the DeKalb County Superior Court Clerk and his action was against the DeKalb County Superior Court Clerk.

Branch Banking & Tr. Co. v. Rowe, Civil Action No. 17-CV-5454-6 (Ga. Super. Ct.). I recused because Defendant was an attorney who I believed worked as a part-time judge.

Jason v. Baaset, Civil Action No. 17-CV-3136-6 (Ga. Super. Ct.). I recused because Plaintiff was married to a DeKalb County Magistrate Court Judge.

Clark v. Demoulpied, Civil Action No. 17-FM-2756-6 (Ga. Super. Ct.). I recused because Defendant was the daughter of a sitting Senior Judge for the DeKalb County Superior Court.

Walters v. Adams, Civil Action No. 16-CV-269976 (Ga. Super. Ct.). I recused because the action was against a Fulton County Judge with whom I regularly attended social functions and speaking engagements.

McDaniel-Ivey v. Ouda, Civil Action No. 16-CV-13296-6 (Ga. Super. Ct.) and *McDaniel-Ivey v. Rosh*, Civil Action No. 16-CV-10803-6 (Ga. Super. Ct.). Plaintiff sued various members of the bench of the Superior Court of DeKalb County, which would result in an appearance of impropriety if I failed to recuse. I therefore recused.

Goodwin v. Ally Financial, Inc., Civil Action No. 16CV5561-6 (Ga. Super. Ct.) and *Goodwin v. DeKalb County*, 13-CV-5210-6 (Ga. Super. Ct.). I recused from these two matters because my staff attorney previously performed legal work for Plaintiff.

State v. Staley, Jr., Criminal Action No. 15-CR-3641-6 (Ga. Super. Ct.). After Defendant's conviction, Defendant brought an action against me in the Northern District of Georgia, which was subsequently dismissed. To avoid any appearance of impropriety, I elected to recuse.

Cooper v. Cooper, Civil Action Nos. 15-CV-8122 and 11-CV-11838-6 (Ga. Super. Ct.). I recused after Defendant accused a member of my staff of improper *ex parte* communication with him while he was in a holding cell awaiting transport to the jail, a statement which he later retracted as my staff has no access to the holding cells.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

From 2007 until 2015, I was a member of the Georgia Republican Party (and its Election Law Team), the Fulton County Republican Party, the Republican National Lawyers Association (and its Georgia Judicial Committee) and the Atlanta Young Republicans.

From 1989 to 1993, at Washington & Lee University, I was a member of the College Republicans.

From 2015 to the present, I have been involved in my own election campaigns. I was re-elected in 2016 and am up for re-election again in 2020.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

1996 – 1997

The Honorable Orinda D. Evans

U.S. District Court for the Northern District of Georgia

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1997 – 2001

U.S. Army

Office of the Staff Judge Advocate

101st Airborne Division (Air Assault)

2675 Tennessee Avenue

Fort Campbell, Kentucky 42223

Captain, Trial Defense Counsel (1999 – 2001)

Captain, Trial Counsel (1998 – 1999)

1st Lieutenant, Legal Assistance Attorney (1997 – 1998)

2001 – 2015

Jones Day

1420 Peachtree Street N.E., Suite 800

Atlanta, Georgia 30309

Partner (2007 – 2015)

Associate (2001 – 2006)

2015 – present

DeKalb County Superior Court

556 North McDonough Street, Suite 7230

Decatur, Georgia 30030

Superior Court Judge

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a Superior Court Judge from 2015 to the present, I have presided over felony criminal cases as well as civil cases (in law and equity). I am also the Presiding Judge for the DeKalb County Veterans Treatment Court, an accountability court that provides veterans facing non-violent charges drug and mental health treatment, as well as food, housing, education, medical attention and job training.

At Jones Day, where I practiced from 2001 – 2015, I focused my practice on commercial and securities litigation and white-collar criminal defense, primarily in federal court. I defended several class actions and had considerable experience with accounting and securities fraud cases and commercial contract disputes.

I frequently represented companies and individuals being investigated by the Department of Justice (“DOJ”) and the Securities and Exchange Commission (“SEC”). I also successfully defended clients being investigated by: the Department of Energy; the DOJ’s Antitrust Division; the Department of the Treasury; the Environmental Protection Agency; the Federal Emergency Management Association; the Office of the Special Inspector General for the Troubled Asset Relief Program; the U.S. Army Corps of Engineers; and the U.S. Army Criminal Investigation Division. I handled a wide variety of cases involving allegations of antitrust violations; the Foreign Corrupt Practices Act; defense contractor fraud; the False Claims Act; insider trading; mail and wire fraud; securities fraud; tax fraud; public corruption; and unlawful campaign contributions. My clients at Jones Day were typically corporations, although I represented several individuals on pro bono matters.

Prior to joining Jones Day, I served as an officer in the U.S. Army JAG Corps. While stationed at Fort Campbell, Kentucky with the 101st Airborne Division (Air Assault), I tried courts-martial and separation boards, first as a prosecutor for the U.S. Army and then as a defense counsel for individual soldiers. I also acted as the operational law advisor to the 502nd Infantry Regiment in the field.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

1. federal courts: 75%
2. state courts of record: 25%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 50%
2. criminal proceedings: 50%

Prior to becoming a judge, I was an officer in the U.S. Army JAG Corps and then a lawyer in private practice at Jones Day. In both the JAG Corps and at Jones Day, I was predominantly a litigator and appeared in court frequently.

My first year in the JAG Corps (1997 – 1998), I served as a Legal Assistance Attorney and did not appear in court, but the final three years (1998 – 2001) I was a Trial Counsel and Trial Defense Counsel and appeared in court frequently.

At Jones Day, in addition to commercial and securities litigation, I also focused my practice on white-collar criminal defense. Although some of my white-collar cases were indicted cases that were litigated, others were internal investigations and other matters that did not end up in court. Approximately 75% of my practice was in litigation at Jones Day.

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

While I was in the JAG Corps, I tried a total of fifty cases. This included contested courts-martial before military judges and juries, sentencing hearings before military judges (which, in the JAG Corps, are detailed evidentiary hearings) and separation boards before Army officers. Although I maintained a tally of the overall number of cases, I did not maintain a breakdown of each case type. My rough estimate is: eighteen contested courts-martial (most of which were before military juries); twenty sentencing hearings; and twelve separation boards.

i. What percentage of these trials were:

1. jury: 50%
2. non-jury: 50%

Note: the percentages above include contested courts-martial and separation boards only and assume that fifteen of my eighteen courts-martial were before juries.

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral

argument transcripts before the Supreme Court in connection with your practice.

None.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel

1. *Heatcraft, Inc. v. Westbrook*, Civil Action No. 14A-036785 (Ga. Super. Ct.).

In 2014, I represented Heatcraft Inc. (the commercial refrigeration subsidiary of global heating/air conditioning manufacturer Lennox International). After expedited discovery and motions practice, we obtained extensive temporary and preliminary injunctive relief enjoining trade secret misappropriation and related competitive activities. Notably, even despite the absence of any non-solicit or non-compete agreements with him, a former senior Heatcraft executive was enjoined from soliciting Heatcraft customers on behalf of a Heatcraft competitor based solely on a trade secret misappropriation theory. Prior to a final trial, the parties entered into a consent order final judgment that included a permanent injunction.

Judges: Georgia Superior Court for Fulton County; Honorable Karen Byers (Superior Court Judge) and Honorable Robert D. Walker (Magistrate Court Judge).

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2. *Levine v. Nassar*, Civil Action File No. 2002-CV-54331 (Ga. Super. Ct.).

From 2002 – 2014, I represented SunTrust Robinson Humphrey, an investment bank that was facing claims for negligence, breach of contract, fraud, negligent misrepresentation, breach of fiduciary duty and conspiracy relating to a fairness opinion it issued. The case, in which Plaintiffs sought deepening insolvency damages in the hundreds of millions of dollars, was pending for over ten years. I was heavily involved in both strategy and all other aspects of this complex commercial case: motions to dismiss; discovery requests and responses; document review and production; discovery motions; fact depositions; financial expert reports and depositions; motions for summary judgment; interlocutory appeal; and mediation. Not long before trial – and after we had prepared for trial – this case settled.

Judge: Georgia Superior Court for Fulton County; Honorable Jerry W. Baxter,

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3. *In re Int'l Textile Grp., Inc. Merger Litig.*, CA No. 2009-CP-23-3346 (S.C. Ct. Common Pleas).

From 2009 to 2014, while working with a team of other attorneys at Jones Day, I defended Wilbur L. Ross, Jr. and other officers and directors of WL Ross & Co. and International Textile Group (ITG) in a class-action and derivative shareholder lawsuit. The suit arose from the merger of ITG and Safety Components International and an alleged breach of fiduciary duties to the minority shareholders. In addition to assisting with overall case management and defense strategy, my work focused heavily on the development of the defense's expert investment banking witnesses – and discrediting Plaintiffs' experts. The case was settled on the eve of trial after extensive trial preparations were complete.

Judge: South Carolina Court of Common Pleas for Greenville County; Honorable D. Garrison Hill.

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4. *Tatum v. SFN Grp., Inc.*, 1:11-cv-3420-CC (N.D. Ga.).

From 2011 to 2015, Plaintiffs filed an action against our client, SFN Group (“SFN”), relating to SFN’s acquisition of Tatum LLC (“Tatum”). Among other things, Plaintiffs claimed SFN breached the merger agreement and converted funds belonging to Plaintiffs when SFN charged certain costs against funds that had been set aside to cover post-closing adjustments to Tatum’s financial statements. The matter involved extensive document discovery, numerous witness depositions, significant motion practice, including motions to remand, amend, dismiss, strike and cross motions for summary judgment. The Court ordered mediation on two occasions and heard oral argument on the summary judgment motions. Not long after I left the firm, SFN won summary judgment on all of its claims plus costs.

Judges: U.S. District Court for the Northern District of Georgia; Honorable Clarence Cooper. U.S. Court of Appeals for the Eleventh Circuit; Honorable Stanley Marcus, Honorable Beverly B. Martin and Honorable Peter T. Fay.

Co-Counsel

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5. *United States v. Gordon*, 1:09-CR-26-1-MHS (N.D. Ga.).

In 2008, at the request of U.S. Magistrate Judge Linda T. Walker, we agreed to be appointed under the Criminal Justice Act to represent James Gordon. Mr. Gordon was an indigent community college student charged with a Hobbs Act robbery, burglary of a number of federal firearm licensees and possession of a firearm during commission of a crime. After a thorough investigation of the case, we advised Mr. Gordon to take responsibility for his actions and cooperate with the government's investigation. In 2010, he pled guilty. He faced a U.S. Sentencing Guidelines range of ten to eleven and a half years and a mandatory minimum of five years. We were able to convince first the U.S. Attorney's Office and then U.S. District Judge Marvin Shoob that Mr. Gordon's circumstances were sympathetic and that he had a high chance of rehabilitation. Judge Shoob sentenced Mr. Gordon to the mandatory minimum of five years, with a recommendation for earliest possible release to a halfway house so he could return to work and support his family. Furthermore, in 2011, we worked with multiple state prosecutors and were able to obtain the dismissal of state charges that were on hold pending completion of the federal case.

Judges: U.S. District Court for the Northern District of Georgia; Honorable Marvin H. Shoob (U.S. District Court Judge) and Honorable Linda T. Walker (U.S. Magistrate Court Judge).

Co-Counsel

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6. *Nali v. Phillips*, 681 F.3d 837 (6th Cir. 2012).

From 2011 to 2012, in *Nali v. Phillips*, Jones Day was appointed by the U.S. Court of Appeals for the Sixth Circuit as appellate counsel to represent Mr. Nali after his petition for writ of habeas corpus was granted by the U.S. District Court for the Eastern District of Michigan and he was released from Michigan state prison. With my help and under my supervision, Jones Day associate Ryan Holte drafted all appellate pleadings in the case and argued the case before the Sixth Circuit. After the initial opinion was decided adverse to Mr. Nali, we filed a petition for *en banc* rehearing, on which the Court of Appeals subsequently ordered briefing. We further successfully represented Mr. Nali in proceedings before the District Court when the Michigan Attorney General attempted to re-incarcerate him before *en banc* briefing was complete. Ultimately, the Sixth Circuit denied rehearing *en banc*, the U.S. Supreme Court denied a petition for writ of certiorari and Mr. Nali was returned to the custody of the Michigan Attorney General to complete the duration of his sentence.

Judges: U.S. Court of Appeals for the Sixth Circuit; Honorable Arthur L. Alarcón, Honorable Karen N. Moore and Honorable Julia S. Gibbons.

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Lansing, Michigan 48909
(517) 373-1115

7. *United States v. Facility Mgmt. Grp., Inc.*, 3:08-cr-00014-MPM-SAA (N.D. Miss.).

From 2007 to 2008, I represented Facility Management Group ("Facility Group"), an engineering corporation indicted by a federal grand jury for alleged fraud and bribery of a public official related to public contracting. I took over day to day management of the case as a first-year partner while the firm's lead counsel on the case, Richard H. Deane, Jr., was away at another trial. Upon his return, I continued working with Mr. Deane at Facility Group's general counsel's request. Our work included gathering facts and preparing the case, which was eventually indicted, for trial, including preparation of numerous fact witnesses, expert witnesses and expert reports. We also worked on a number of pretrial motions. The charges against Facility Group were eventually dismissed.

Judges: U.S. District Court for the Northern District of Mississippi; Honorable Michael P. Mills (U.S. District Court Judge) and Honorable Judge S. Allan Alexander (U.S. Magistrate Court Judge).

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8. *Johnson v. Int'l Paper Co.*, Case No. 00-495-CA-01 (Fl. Cir. Ct.).

From 2000 to 2008, I represented International Paper (IP) in a putative class action brought on behalf of 2,000 landowners on Perdido Bay who alleged that effluent from

IP's mill polluted the Bay and decreased the value of their property. Plaintiffs sought several hundred million dollars in damages. In a substantial victory after several years of fact and expert discovery and after detailed briefing and argument, we convinced the Trial Court Judge not to certify the class. The case later settled while an appeal of that order was pending.

Judge: Florida Circuit Court of the First Judicial Circuit, In and For Escambia County;
Honorable Michael Jones.

Co-Counsel

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Counsel for the Plaintiffs

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9. *United States v. Boelter* (1st Jud. Cir.).

In 2000, I defended this criminal case while I was a Trial Defense Counsel – the civilian equivalent of a Federal Public Defender – at Fort Campbell, Kentucky. My client, Private First Class Portia Boelter, was a young mother living in poverty who was accused of abusing her infant son by severely burning him with a curling iron. In fact, what really happened was that she could not pay to heat her home and was running a hairdryer under a blanket to keep her son warm (something she learned to do from her own parents

growing up in rural South Carolina). Through expert medical testimony, as well as fact witnesses from her childhood, I was able to prove to the jury that she was innocent. She was acquitted of all charges.

Judge: General Court-Martial, 1st Judicial Circuit, Fort Campbell, Kentucky; Honorable Gary J. Holland.

Co-Counsel (my supervisor on the case)

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(formerly the Chief of the Trial Defense Service, Fort Campbell, Kentucky)
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Counsel for the United States

James P. Hall, Esq.
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Qua, Hall, Harvey & Walsh
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10. *United States v. Glover* (1st Jud. Cir.).

This case from 1999 involved the brutal, drunken barracks murder of Private First Class (PFC) Barry Winchell by a fellow soldier. At the time, I was a JAG Captain and the Trial Counsel – or, prosecutor and operational law adviser – for the 502nd Infantry Regiment of the 101st Airborne Division (Air Assault). I was thus tasked with supervising the response and investigation into the crime, including working closely with Fort Campbell's Criminal Investigation Division to secure the necessary warrants, interview witnesses and suspects, etc. I also liaised with PFC Winchell's aggrieved family, advised the command on its charging decision and ultimately preferred premeditated murder charges against Private Glover. I rolled into a new position as Trial Defense Counsel soon thereafter and before the trial of the case, but Private Glover was ultimately convicted of premeditated murder and sentenced to life at the U.S. Military Penitentiary at Fort Leavenworth, Kansas. The verdict was affirmed on appeal.

Judge: General Court-Martial, 1st Judicial Circuit, Fort Campbell, Kentucky; Honorable Gary J. Holland.

Co-Counsel (my supervisor on the case)

Jonathan F. Potter, Esq.

(formerly the Chief of the Criminal Law Division, Office of the Staff Judge Advocate,
Fort Campbell, Kentucky)
Office of Military Commissions
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(703) 428-7344

Counsel for the Defendant

Thomas I. Moshang, III, Esq.
(formerly of the Trial Defense Service, Fort Campbell, Kentucky)
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(215) 597-0812

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Although I was originally commissioned as a field artillery officer, I never served in the combat arms (though I did graduate from both Airborne and Air Assault School). Instead, I received an educational delay to attend law school and then went on active duty in the JAG Corps as a lawyer. Throughout my career, however, I have served those in the combat arms, who I have tremendous respect for and see as our nation's bravest citizens.

As a JAG officer at Fort Campbell, Kentucky with the 101st Airborne Division (Air Assault), I served them in several ways. First, as a Legal Assistance Attorney helping soldiers with their individual legal issues (wills, divorces, landlord/tenant disputes, etc.). Then, as a Trial Counsel. In that role, I not only assisted commanders in prosecuting soldiers who committed crimes, but also advised them on operational law issues in the field. Finally, as a Trial Defense Counsel, I represented soldiers facing separation hearings and courts-martial. (Although I do not remember all of the details, and thus did not list it in response to question 17 above, I also handled a case that resulted in a deserving helicopter pilot keeping his flight status.)

Although in less direct ways, I was able to continue my service to soldiers, sailors, airmen and women and marines as an attorney in private practice at Jones Day. In one case, we were retained by a government contractor that received a complaint from an employee about allegedly improper manufacturing techniques that resulted in a product potentially harming soldiers in Iraq and Afghanistan. I led a team of lawyers who quickly investigated the issue, made a determination about the veracity of the allegation and contacted the Department of Defense to disclose the issue. In another case, I worked, pro bono, with tax lawyers in the firm to secure tax exempt status for a local American Legion post that was embarking on a substantial fundraising

campaign. And, finally, I led an effort to secure \$60,000 in donations to rehabilitate a park and repair and refurbish a war monument that honors the citizens of Atlanta who died in World War I.

One of my key initiatives as a judge has been to found DeKalb County's Veterans Treatment Court. This involved building a coalition of fellow judges, prosecutors, defense attorneys, law enforcement personnel, county and state elected officials and veterans to support the program; securing funding for the new Court; and staffing and organizing the Court. I now preside over this Court, which provides drug and mental health treatment, as well as food, housing, education, medical attention and job training to its participants. Its volunteer mentors further support the men and women going through the program.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I am vested in Jones Day's Qualified Defined Benefit Plan ("QDB"). Under this QDB, my current end of year variable pension amount – which I am entitled to receive upon reaching age 65 – is \$27,097.73. Also, when I left the firm to become a judge, Jones Day retained \$30,000.00 of my partnership capital contribution in order to pay any foreign taxes that came due after my departure. To date, a little over \$20,000.00 in foreign taxes have been paid, leaving a retainer of \$9,674.00. If no other foreign taxes become due, this amount will be returned to me in mid-2022 (seven years after I left the firm).

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse from any matter in which I had familiarity from my service on the Georgia Superior Court. Should an actual or potential conflict arise, or a situation that could give the appearance of a conflict, I would consult all applicable statutes, rules, policies, procedures, case authority and the Code of Conduct for United States Judges and act accordingly.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will abide by the Code of Conduct for United States Judges and all applicable statutes, rules, practices, policies, procedures and case authority related to avoiding or resolving actual or potential conflicts of interest, erring, as I have since I began serving as a judge, on the side of recusal to avoid an appearance of impropriety.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

The Georgia Code of Judicial Conduct and Georgia law prohibits state court judges from giving legal advice or otherwise practicing law. As a result, for the last three years, I have not been permitted to represent clients pro bono or otherwise.

However, earlier in my career, I was significantly involved in pro bono matters. Two of my four years in the JAG Corps were as a Trial Defense Counsel, which is essentially a public defender. In that position, I represented soldiers charged with crimes under the Uniform Code of Military Justice who were unable to hire private counsel. At Jones Day, I routinely took on pro bono criminal cases, both as lead and supervisory counsel. An example of the former is the *United States v. Gordon* case, in which I represented a young man charged in federal court with a Hobbs Act robbery. An example of the latter is the *United States v. Nali* case, where I assisted and supervised a Jones Day associate in representing an inmate with a writ of habeas corpus on

appeal to the Sixth Circuit. I spent over 1,000 hours on these two cases.

26. Selection Process:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In January, 2018, the State Bar of Georgia posted the notice of judicial vacancy on its website. I submitted an application on January 29, 2018. On March 28, 2018, the Federal Judicial Appointment Screening Committee appointed by Senators Johnny Isakson and David Perdue interviewed me at Senator Isakson's office.

On April 13, 2018, I interviewed with attorneys from the White House Counsel's Office and from the Department of Justice's Office of Legal Policy at the Eisenhower Executive Office Building. On June 7, 2018, I received a call from Senator David Perdue informing me that the President was considering my nomination. On August 28, 2018, the President submitted my nomination to the Senate. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.